

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

MARCH 5, 2008

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **March 5, 2008** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Acting Chief Executive Charlie O'Leary.

ROLL CALL

11 present, 0 absent and 1 presiding.

PRAYER

Commissioners were led in prayer by Commissioner Lee.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 20, 2008

It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a unanimous verbal vote to approve the Minutes of the Regular Meeting of February 20, 2008.

ITEMS NOT ON THE AGENDA – SUSPENSION OF THE RULES

None

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

CHIEF EXECUTIVE'S REPORT

Acting Chief Executive O'Leary informed the council that there will be an early closing on Friday, March 14 at 10:00am. He said there was a communication that accidentally was left off the Committee of the Whole agenda last week. It is the one for Linda Sajor having to do with the wage and classification study. That will reappear on our agenda next week. He called their attention to a handout at their desk from Cindy McIlveen having to do with the Parks, Trails, and Open Space update. There is a public meeting March 10th, 7PM at the War Bonnet to review and give comments. The committee strongly recommends that the commissioners get involved in this because we all have parks within our districts.

SECTION I

INVITATION FOR BIDS

SEALED BIDS FOR ONE (1) NEW 2007-2008 TANDEM CAB AND CHASSIS. (**Communication No. 08-141**) Proof of publication

Acting Chief Executive O'Leary said that this Invitation for bids should not be on our agenda tonight. It was inadvertently put there. It will be on next week's agenda.

SECTION II

PRESENTATION COMMUNICATION NO. 08-153

Debra D. Williams and Bob Lee, requesting time on the agenda to discuss part-time clerk position in the Justice Court becoming a full-time position. **Recommendation: hear presentation and then refer to Committee of the Whole.**

Justice Bob Lee came to the microphone explained their need for a full time clerk in his office. They currently have a half-time clerk so this will not be adding another person. It will simply make her full-time. Their case work load has more than doubled. A report from the State says that their civil case load is the largest increase in the state of Montana. Jeff Amerman, Finance and Budget Director said this money would come from General Fund Reserves.

SECTION III

CONSENT AGENDA

- A.
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT
 - 5. PERSONNEL COMMITTEE MEETING REPORT

B. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any "friendly amendments" or segregations. Commissioner Lee had a "friendly amendment" on page 4, #16, Communication No. 08-156. Karen Byrnes stated that she would like to have this communication held in Committee of the Whole. They are waiting for some additional figures. The second "friendly amendment" is in the Committee of the Whole Report, page 14, Section XVIII, Communication No. 08-100. The Recommendation should read "Committee recommends that Communication No. 08-100 be placed on file. The segregation is also on page 14, Section XIX, Communication No. 08-105.

Commissioner Moody had a “friendly amendment”, No. 28, Communication No. 08-158 from Marty Alexander. In the communication it notes that it’s for culverts. I think that should read carpets.

It was then moved by Commissioner Lee, seconded by Commissioner Moodry and carried with a roll call vote of to approve of the Consent Agenda, Section A, items 1 through 5 with the exception of the Committee of the Whole Report as mentioned, and Section B, Items 1 through 36.

Now for the segregation of Section XIX, Communication No. 08-105.

Communication No. 08-105

Lori Maloney, Clerk of the Court, requesting time on the 2/27/08 agenda to conduct a public hearing for amending the budget to create budget authority in the Clerk of the Court Budget.

Jeff Amerman, Finance and Budget Department, said he went through some calculations and it would be approximately \$8,000 to increase the budget authority in the Clerk of the Court in order to replace the clerk that had retired. We are talking about a period of two months. We have sufficient cash reserves within the District Courts and there is sufficient cash within the District Courts. This would not be a situation where we would have to dip into General Fund Reserves. County Attorney asked if the council needed a resolution to approve this transfer. Mr. Amerman replied that it would. It’s actually going to be a budget amendment which would have to be done by budget resolution in each of these cases. Ms. Maloney made a plea for this to be done as soon as possible, at least by the first of April.

It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a unanimous verbal vote to request the County Attorney to prepare a budget resolution for the purpose of increasing budget authority in the Clerk of the Court’s budget in the amount of \$8,000 to address an early hire to replace a retired employee. Also that we schedule a public hearing and place Communication No. 08-105 on file

SECTION IV COMMUNICATIONS TO BE READ & ACTED UPON

1. 08-139 Irme Ratatics, requesting time on the 3/5/08 agenda in regards to the property on the streets of Mercury, Curtis and Ohio

Mr. Ratatics came to the microphone and made his request againto purchase this property Dan Dennehy explained what the Public Works has done to help Mr. Ratatics. His bid did not include sidewalks and curbs and so it was denied. Steve Hess, Asst. Planning Director also spoke and said they did have several conversations with the Public Housing of Butte after they informed us that they were interested in this property. They did develop plans for us for duplexes on the lot right next to Imre and then across the alley.

Jon Sesso, Planning Director, came forward and said in reviewing any Developer's Property they consider the highest and best use of the land and we are going to solve the Community Enrichment problem.

It was moved by Commissioner, seconded by Commissioner Lee and carried with a unanimous verbal vote to hold Communication No. 08-139 in Committee of the Whole.

2. 08-167 Jon C. Sesso, Planning Director, requesting concurrence for staff presentation of 3/5/08 to host a public meeting 3/12/08 and to authorize submission of project proposals to Montana's 2008 Natural Resource Damage Program.

Jon Sesso, Planning Director, explained in some detail the six project proposals

He said that the NRD will allocate 20 million dollars, so they are redoubling their efforts to make sure that they are going to submit proposals that reflect the fact that most of these damages that are being settled upon and compensated for happened in our town and we believe that those damages should be compensated in our county. The proposals will be submitted by April 4 of 2008 and we are asking for your authority to do that. We want the public's input and comment on that. Our top priority for 2008 is the rehabilitation of the Big Hole Dam. The cost of that project should be 4 million dollars. We are going to ask for approximately 3.5 from the NRD program and match that with \$500,000 through our enterprise fund. He asked that the council provide time on the 3/12/08 meeting to solicit comment on these proposals. John VanDaveer, Public Works Director also commented on the metering discussion. He said it not their intent to force everybody to go on a meter. Through the water main replacement they would offer to those people that are affected by that main replacement and also the general public who would prefer to be on a meter at that this point in time. They both answered several questions from the commissioners.

It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a unanimous verbal vote to hold Communication No. 08-167 in the Committee of the Whole and that we allow public comment next week in regards to the proposed projects.

SECTION V ORDINANCES AND RESOLUTIONS - REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 08-9

A RESOLUTION SUPPORTING THE REQUEST OF ROBERT GEE, REGISTERED AGENT FOR SUMMIT VALLEY AUTO SALVAGE, INC., A MONTANA CORPORATION, FOR A MOTOR VEHICLE WRECKING FACILITY TO BE LOCATED AT 705 E. IRON STREET, BUTTE, MONTANA

WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA
AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 08-10

A RESOLUTION CALLING FOR AN ELECTION ON THE CONTINUATION OF THE IMPOSITION OF A 1.34 MILL LEVY TO BE ADJUSTED ANNUALLY TO RAISE AT LEAST \$65,000.00 FOR ECONOMIC DEVELOPMENT PURPOSES FOR A FOUR YEAR PERIOD BEGINNING IN FISCAL YEAR 2008 – 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 08-11

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW HEALTH DEPARTMENT FROM THE MONTANA STATE DEPARTMENT OF HEALTH AND HUMAN SERVICES, MONTANA COMPREHENSIVE CANCER CONTROL PROGRAM TO BE EXPENDED IN THE BUTTE-SILVER BOW HEALTH DEPARTMENT FUND FOR THE PURPOSE OF IMPLEMENTING COMPREHENSIVE CANCER PREVENTION AND CONTROL ACTIVITIES. .

4. COUNCIL RESOLUTION NO. 08-12

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE MONTANA STATE HISTORIC PRESERVATION OFFICE TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE OF A DO-IT-YOURSELF HISTORIC PRESERVATION WORKSHOP SERIES PLANNED AND IMPLEMENTED BY BUTTE CITIZENS FOR PRESERVATION AND REVITALIZATION AND PROVIDING FOR AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. COUNCIL RESOLUTION NO. 08-13

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN

ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE ENVIRONMENTAL PROTECTION AGENCY TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE TO PROVIDE EQUIPMENT AND FINANCIAL SUPPORT TO THE GREENHOUSE NURSERY HARDENING FACILITY ON THE MONTANA TECH CAMPUS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

6. COUNCIL RESOLUTION NO. 08-14

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE NATURAL RESOURCE DAMAGE PROGRAM TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE TO CONTINUE WORK ALONG THE SILVER BOW CREEK GREENWAY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

7. COUNCIL RESOLUTION NO. 08-15

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE MONTANA STATE HISTORIC PRESERVATION OFFICE TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE TO EDIT A SPECIAL ISSUE OF DRUMLUMMON VIEW BUTTE-ANACONDA ON-LINE ARTS AND CULTURE JOURNAL, PLANNED AND IMPLEMENTED BY THE MONTANA PRESERVATION ALLIANCE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

8. COUNCIL RESOLUTION NO. 08-17

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE MSE MINOR SUBDIVISION – SUMMARY REVIEW OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VI

ORDINANCES AND RESOLUTIONS – SUSPENSION OF THE RULES

It was moved by Commissioner Lee, seconded by Commissioner and carried by a roll call vote of 11 yeas, 0 nays and 1 presiding to suspend the rules for the purpose of passing Council Resolution No. 08-17 by waiving subsection 7 of Rule XXXVI of the Rules and order of business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.

1. COUNCIL RESOLUTION NO. 08-16

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW HEALTH DEPARTMENT FROM THE MONTANA STATE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, ADDICTIVE AND MENTAL DISORDERS DIVISION, TO BE EXPENDED IN THE BUTTE-SILVER BOW HEALTH DEPARTMENT FUND FOR THE PURPOSE OF DEVELOPMENT AND IMPLEMENTATION OF EVIDENCED-BASED ENVIRONMENTAL PREVENTION EFFORTS TO ADDRESS LIFESPAN BINGE DRINKING WITH AN EMPHASIS ON YOUTH, AND LIFESPAN DRINKING AND DRIVING WITH AN EMPHASIS ON YOUTH

It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a roll call vote of 11 yeas, 0 nays and 1 presiding to place Council Resolution No. 08-16 on final reading and passed having been deemed fully read at length.

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner Coleman, seconded by Commissioner Fay and carried by a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 9:30 pm.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER

